

## Appendix Exhibit 31

Conley v. County of Erie, et al.

PW

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IN THE UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF PENNSYLVANIA

ABBY B. CONLEY, :  
Plaintiff :  
: v. : Civil Action No. 05-76E  
: :  
COUNTY OF ERIE, ERIE COUNTY :  
OFFICE OF CHILDREN AND YOUTH, :  
a/k/a ERIE COUNTY CHILD :  
WELFARE SERVICE, RICHARD :  
SCHENKER, individually and :  
in his capacity as County :  
Executive of Erie County, :  
Pennsylvania, PETER CALLAN, :  
individually and in his :  
capacity as Erie County :  
Director of Personnel, DEBRA :  
LIEBEL, individually and in :  
her capacity as Executive :  
Director, Erie County Office :  
of Children and Youth, a/k/a :  
Erie County Child Welfare :  
Service, and JOHN A. ONORATO, :  
ESQUIRE, individually and in :  
his capacity as Erie County :  
Solicitor, :  
Defendants :  
:

Deposition of PW, taken before and  
by Carol A. Holdnack, Notary Public in and for the  
Commonwealth of Pennsylvania, on Monday, April 3,  
2006, commencing at 2:59 p.m., at the offices  
of Timothy D. McNair, Esquire, 821 State Street,  
Erie, Pennsylvania 16501.

Reported by Carol A. Holdnack, RPR  
Ferguson & Holdnack Reporting, Inc.

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1 For the Plaintiff:  
 2 Timothy D. McNair, Esquire  
 3 821 State Street  
 4 Erie, PA 16501  
 5 Anthony Angelone, Esquire  
 Vendetti & Vendetti  
 6 3820 Liberty Street  
 Erie, PA 16509

7 For the County of Erie, Erie County Office of Children and  
 Youth, a/k/a Erie County Child Welfare Service:

8 Neal R. Devlin, Esquire  
 9 Knox McLaughlin Gornall & Sennett, PC  
 10 120 West 10th Street  
 Erie, PA 16501

11 For the Defendants Richard Schenker, Peter Callan, and Debra  
 Liebel:

12 Edmund R. Joyal, Jr., Esquire  
 Law Office of Joseph S. Weimer  
 13 975 Two Chatham Center  
 Pittsburgh, PA 15219

14 For the Defendant John A. Onorato, Esquire:

15 Mark R. Lane, Esquire  
 Dell Moser Lane & Loughney, LLC  
 16 525 William Penn Place  
 Suite 3700  
 Pittsburgh, PA 15219

17 Also Present:  
 18 Wallace J. Knox, Esquire  
 19 Solicitor, County of Erie

1 PW, first having been duly  
 2 sworn, testified as follows:

3  
 4 DIRECT EXAMINATION  
 5 BY MR. ANGELONE:

6  
 7 Q. Ma'am, my name is Anthony Angelone. I'm an  
 8 attorney. I'm representing Abby Conley in this case. And  
 9 I'm going to be asking you some questions here as part of a  
 10 deposition. I'm assuming you've been deposed, or am I  
 11 incorrect?

12 A. You're incorrect.

13 Q. You've never done a deposition?

14 A. Never.

15 Q. You've testified in trial before --

16 A. Yes.

17 Q. -- would that be correct? Well, I'm going to be  
 18 asking you a series of questions during this deposition.  
 19 And the one thing I'm going to ask you is that, first of  
 20 all, please make all your answers verbal so the court  
 21 reporter can take everything down. Okay?

22 A. Okay.

23 Q. And the other thing is, if there's a question that  
 24 I ask you that you don't understand, please ask me to  
 25 rephrase it. If you do answer the question, then everybody

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## 1           I N D E X

## 2           TESTIMONY OF PW

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1 is going to assume you understood the question, and that  
 2 answer, then, is going to be your answer to that question.  
 3 Okay?

4 A. Yes. Got it.

5 Q. Let's start off with your name.

6 A. PW.

7 Q. And you've gone by other names in the past, last  
 8 names; would that be correct?

9 A. One other, yes.

10 Q. What would that one be?

11 A. K.

12 Q. All right. Is there also -- I've run across the  
 13 name -- is it G?

14 A. G.

15 Q. G.

16 A. G.

17 Q. How is that spelled?

18 A. (Witness spells.)

19 Q. Was that your last name also, at one time?

20 A. Yes.

21 Q. So there was three, three names that you've gone  
 22 by?

23 A. Yes.

24 Q. Is that correct? Any others?

25 A. No.

2 (Pages 2 to 5)

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1 Q. You're a resident of Erie County; is that correct?  
 2 A. Yes.  
 3 Q. And can you tell us -- tell me, what's your age?  
 4 A. 43.  
 5 Q. Okay. And can I get a little bit about your  
 6 educational background, please.  
 7 A. I have a bachelor's of social work from Edinboro.  
 8 Q. Okay. When was that?  
 9 A. '85. 1985.  
 10 Q. All right. Is that a two-year?  
 11 A. Four-year.  
 12 Q. It was a four-year program. You said that's 1985?  
 13 A. Yes.  
 14 Q. And at some point in time after that you did begin  
 15 work with the County of Erie?  
 16 A. Yes.  
 17 Q. What capacity was your first position with the  
 18 County?  
 19 A. I was a caseworker.  
 20 Q. When would that have been that you got that job?  
 21 A. March of 1990.  
 22 Q. And you were hired as a caseworker?  
 23 A. Yes.  
 24 Q. Who was the director at the time, do you know?  
 25 A. No. I'm not sure at that exact time who it was.

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1 It may have been John Petulla. Because he was, and then he  
 2 wasn't.  
 3 Q. Okay. And can you tell me, has the job  
 4 description or requirements for a caseworker changed since  
 5 1990, at any point in time since 1990?  
 6 MR. DEVLIN: To today; is that your question?  
 7 MR. ANGELONE: Yeah.  
 8 A. They've changed, yes, a little bit. But, I mean,  
 9 basically, the job has been the same.  
 10 Q. Can you describe for me a little bit of the basic  
 11 job requirements.  
 12 A. That depends on what department you're in at  
 13 Children's Services.  
 14 Q. So as a caseworker you could be in one of  
 15 different departments, then?  
 16 A. Yes.  
 17 Q. Which departments would they be?  
 18 A. There's GPS, general protective services.  
 19 Truancy.  
 20 Q. Okay.  
 21 A. CPS, child protective services.  
 22 Q. Okay.  
 23 A. There's like foster care. There's placement. And  
 24 then there's specialized jobs also.  
 25 Q. And since 1990 in what particular department were

Page 8

1 you associated with?  
 2 A. I initially started out in general protective  
 3 services.  
 4 Q. Okay.  
 5 A. Then I went to a specialized area. I worked in  
 6 the Corry area as a general protective services worker.  
 7 Q. Okay.  
 8 A. Then I went to placement.  
 9 Q. Then into placement.  
 10 A. Yes.  
 11 Q. And what's the last position that you -- or last  
 12 department that you were working in with the Office of  
 13 Children and Youth?  
 14 A. Placement.  
 15 Q. How long were you in that position or department?  
 16 A. Approximately six years.  
 17 Q. So I'm just going to actually focus on your job  
 18 duties as a caseworker in the placement department, then.  
 19 A. Okay.  
 20 Q. Can you just give me a little bit of a background  
 21 of the essentials of the job that you do as a caseworker,  
 22 what you're required to do.  
 23 A. Document, you know, seeing family, interactions  
 24 with the family. Making referrals to service providers.  
 25 Attending meetings to obtain services. Supervising visits.

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1 Scheduling visits. Doing court summaries. Court hearings.  
 2 Plus whatever else. I mean, you know, in doing -- there was  
 3 some investigation, making appropriate referrals that needed  
 4 to be made.  
 5 Q. Okay.  
 6 A. So just working with the families to either keep  
 7 the children in their homes. Because placement cases are  
 8 mainly court cases.  
 9 Q. Okay.  
 10 A. So.  
 11 Q. Meaning that the child has been detained?  
 12 A. Detained or -- well, not necessarily detained.  
 13 Maybe just adjudicated. They could be adjudicated in the  
 14 home.  
 15 Q. Okay.  
 16 A. So compliant with the court orders and stuff like  
 17 that.  
 18 Q. You mentioned a couple of things. And I just want  
 19 to hit on a couple of these. You do testify in court on  
 20 occasion as part of that; is that right?  
 21 A. Yes.  
 22 Q. But not on every case.  
 23 A. That's correct.  
 24 Q. And you do prepare court summaries as well?  
 25 A. Yes.

3 (Pages 6 to 9)

Page 10

1 Q. And you mentioned supervising visits. What does  
 2 that mean? I mean, do you actually supervise every visit  
 3 that takes place between, for example, a parent and a child?  
 4 A. On my caseload?  
 5 Q. Yeah.  
 6 A. Pretty much so, yes.  
 7 Q. And as a part of that too, you said documents,  
 8 preparing documents. Do you prepare documents in relation  
 9 to those visits?  
 10 A. Yes.  
 11 Q. Okay.  
 12 A. And other documents too, but.  
 13 Q. All right. And I just want to get a distinction.  
 14 A case aide does something that's different than the  
 15 caseworker.  
 16 A. Definitely.  
 17 Q. What's the case aide's role, then, as far as being  
 18 a part of the visits between parent and child?  
 19 A. One more time, please.  
 20 Q. Okay. Well, I think you --  
 21 A. I just want to make sure.  
 22 Q. That's fine. I think you said that you supervise  
 23 visits, you actually attend the visits between parents and  
 24 child.  
 25 A. Um-hum.

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1 Q. That's part of your requirements, right?  
 2 A. Yes.  
 3 Q. What is the case aide's responsibilities in  
 4 relation to that visit; is there any?  
 5 A. It depends on if there's -- not all cases have  
 6 case aides. Out of my caseload, very rarely did I have  
 7 anyone else doing my visits.  
 8 Q. But if you do have case aides, they take the place  
 9 of you in doing those visits?  
 10 A. Caseworkers are expected to do at least one visit  
 11 a month if they have a case aide. Working with the family.  
 12 Q. Okay.  
 13 A. But those documentation -- the same documentation  
 14 needs to be done, but it goes then -- it should go to the  
 15 caseworker, then to the supervisor.  
 16 Q. Okay. Are you still currently working with the  
 17 Office of Children and Youth?  
 18 A. No.  
 19 Q. When was your last day of employment there?  
 20 A. End of January of this year.  
 21 Q. Of this year?  
 22 A. Yes.  
 23 Q. And you do still work for the County, though?  
 24 A. Yes.  
 25 Q. What capacity is that?

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1 A. I work at Edmond L. Thomas Detention Center. I'm  
 2 a juvenile counselor.  
 3 Q. Okay. In your capacity as a caseworker, can you  
 4 give me a general idea of how many cases you would have at  
 5 any one particular time, on average?  
 6 A. On average? Around 20.  
 7 Q. Pardon me?  
 8 A. Approximately 20.  
 9 Q. Okay. And on average now, out of the 20 cases,  
 10 how many would involve you having a case aide assigned to  
 11 those cases?  
 12 A. On an average?  
 13 Q. Just on the average.  
 14 A. Less than two.  
 15 Q. In your capacity as a caseworker, how many hours a  
 16 week would you work, would that require?  
 17 A. We're scheduled 37.5. But frequently there was  
 18 additional hours. I frequently worked through lunch.  
 19 Q. Okay.  
 20 A. Five days a week.  
 21 Q. It's a full-time position.  
 22 A. Yes.  
 23 Q. Is that something that you would clock in when you  
 24 came in and left, or is it just --  
 25 A. No.

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1 Q. Would you have any kind of time sheets to keep  
 2 track of that, or was it more on an honor system, as far as  
 3 coming in and out of work?  
 4 A. We had to submit weekly schedules to our  
 5 supervisor.  
 6 Q. And when you had visitations or when you  
 7 supervised visits between parents and children, you were  
 8 required to document those?  
 9 A. Yes.  
 10 Q. Is that on computer?  
 11 A. Not necessarily, no. I didn't do mine on a  
 12 computer.  
 13 Q. Would that be written?  
 14 A. Yes.  
 15 Q. Some other type of a log?  
 16 A. They were written and then put into the family  
 17 record.  
 18 Q. Okay. So then they would be part of the file for  
 19 that family file; is that how that worked?  
 20 A. Yes.  
 21 Q. Would those written documents be reviewed by your  
 22 supervisor?  
 23 A. Yes.  
 24 Q. And who would your supervisor have been, let's  
 25 say, at the end of January 2006 before you left?

4 (Pages 10 to 13)

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1 A. Sue Deveney.  
 2 Q. How long had Sue Deveney been your supervisor?  
 3 A. Approximately six years.  
 4 Q. Okay. Was she your supervisor pretty much the  
 5 entire time that you were in the placement department, then?  
 6 A. Yes.  
 7 Q. When you were in the prior department, you had a  
 8 different supervisor then; would that be correct?  
 9 A. Yes.  
 10 Q. Who would that have been?  
 11 A. I had two.  
 12 Q. Okay. Who would they have been, then?  
 13 A. Mary Jo Cline and Mike Tellers.  
 14 Q. Were you also required to have meetings with case  
 15 aides on those cases where you were assigned a case aide?  
 16 Do you want me to rephrase that?  
 17 A. Please.  
 18 Q. The approximate two cases where you would have the  
 19 assistance of a case aide, okay, my question is, were you  
 20 required as part of your job to periodically discuss those  
 21 cases with the case aides?  
 22 MR. DEVLIN: Object to form. You can answer.  
 23 A. It's not an easy question to answer. Ideally, we  
 24 were supposed to -- I meet with my supervisor once a week.  
 25 If that case is -- if a case that the case aide is assigned

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1 to is available during that time, they could then meet --  
 2 they're more than welcome to meet then. When I did have a  
 3 case aide on my very few cases, I met with them pretty  
 4 regularly to go over the visitation observation, to go over  
 5 the scheduling of the visits. I worked very closely with my  
 6 parent aides. So it really wasn't a formal meeting. I  
 7 mean, they were welcome to the supervisal meeting if there  
 8 was a problem then. But, basically, it was kind of an  
 9 informal meeting.  
 10 Q. Would it be safe to say that you would try to  
 11 communicate with the case aides at least once a week, then?  
 12 A. Minimal, yes.  
 13 Q. And they would be informal.  
 14 A. Yes.  
 15 Q. Pretty much. In other words, you would go to  
 16 their cubicle or whatever, discuss the case with them, as an  
 17 example, something like that?  
 18 A. Yeah, something.  
 19 Q. During the time that you worked for the County,  
 20 the Office of Children and Youth, were you given reviews on  
 21 a regular basis?  
 22 A. Yes.  
 23 Q. Okay. Was that done with all employees that you  
 24 know of; was that just standard?  
 25 A. I believe it is, yes.

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1 Q. And were yours done on an annual basis?  
 2 A. They were supposed to be, yes.  
 3 Q. Who does those?  
 4 MR. DEVLIN: Are you asking now or then?  
 5 Q. At the time that you worked there, who was  
 6 responsible for doing your reviews?  
 7 A. It would have been the supervisor that I was  
 8 working under.  
 9 Q. So for the six years prior to the date that you  
 10 left there, it would have been Sue Deveney that would have  
 11 done your reviews?  
 12 A. Yes.  
 13 Q. And as part of those reviews, it would also impact  
 14 your salary in some way; would that be correct, or no?  
 15 A. No.  
 16 Q. Was there a set time of the year that you had your  
 17 reviews done?  
 18 A. There was supposed to be, yes.  
 19 Q. What was it supposed to be?  
 20 A. In March.  
 21 Q. So every March you were supposed to have a review.  
 22 A. Yes.  
 23 Q. Was that based upon when you were hired, or is  
 24 everybody's review generally supposed to be done in March of  
 25 the year?

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1 A. When the individual is usually hired.  
 2 Q. So one-year anniversary, pretty much?  
 3 A. Yes. At least for me.  
 4 Q. Okay.  
 5 A. I don't know about everybody else.  
 6 Q. And during the six years that you were working  
 7 under Sue Deveney's supervision, who was the director of the  
 8 Office of Children and Youth, do you recall, for all those  
 9 six years?  
 10 A. Debi Liebel was some. John Petulla, I believe was  
 11 some of the time. And then Mike Cauley did for a brief  
 12 period of time.  
 13 Q. Okay. And -- is it Mr. Petulla?  
 14 A. John Petulla.  
 15 Q. He was before Deb Liebel; would that be right?  
 16 A. Yes, you're right.  
 17 Q. And as of the time that you left the Office of  
 18 Children and Youth, Mrs. Liebel was not the director  
 19 anymore; is that right?  
 20 A. That's correct.  
 21 Q. So it would be Mr. Lucht.  
 22 A. Yes.  
 23 Q. Okay. So you worked for a short period of time  
 24 under Mr. Lucht.  
 25 A. Very short time, yes.

5 (Pages 14 to 17)

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1 Q. You indicated that you are now in a new position  
 2 with the County, at the -- I think you said as a counselor?  
 3 A. Yes.

4 Q. How is it that you left the Office of Children and  
 5 Youth and went to that position?

6 MR. DEVLIN: Object to form. You can answer.

7 Q. If you understand the question.

8 A. I'm not sure if I understand.

9 Q. You said you left the Office of Children and Youth  
 10 at the end of January 2006, right?

11 A. Yes.

12 Q. Did you, in essence, quit that job?

13 A. No.

14 Q. Did you bid on this other position?

15 A. Yes, I did.

16 Q. When did you bid on that position?

17 A. November of 2005.

18 Q. Of 2005?

19 A. Yes.

20 Q. And between November of 2005 and the time you left  
 21 in January of 2006, were you still working with the Office  
 22 of Children and Youth?

23 A. Yes.

24 Q. Were you still there full-time?

25 A. Yes.

1 A. Yes.

2 Q. Except that you're working more hours.

3 A. A little bit more hours. And I'm not certain, but  
 4 there may be a like five, ten cent differential because it's  
 5 second shift. But, basically, it's the same. Do you  
 6 understand?

7 Q. Yeah. When was it, if you recall, that Mr. Lucht  
 8 came or took over the position as director? Roughly.

9 A. Roughly. It was before -- it was probably just  
 10 before I was hired for the other job but didn't start. So  
 11 it was like November. Before November.

12 Q. Okay. It was before you bid on the other job;  
 13 would that be correct?

14 A. Right around the -- I want to say right around the  
 15 same time, give or take a little bit. I know we were in  
 16 transition at that time, so. I needed his approval to move,  
 17 so.

18 Q. So you did get -- you went to him for approval to  
 19 move, and he gave you that approval.

20 A. Yes.

21 Q. All right. Did you actually have a meeting with  
 22 Mr. Lucht prior to -- prior to him giving you approval?

23 A. No.

24 Q. Did your decision to make this move, was that in  
 25 any way prompted by Mr. Lucht?

Page 19

Page 21

1 Q. And doing your regular caseload?

2 A. Yes.

3 Q. What prompted you to bid on this other position?

4 A. I had been doing casework for 16 years. And I had  
 5 changed from GPS to placement. And I was ready for a  
 6 change.

7 Q. Okay. Did this other position pay a salary that's  
 8 the same as the salary that you were getting in your  
 9 position at Office of Children and Youth?

10 A. It was a lateral move, yes.

11 Q. It was a lateral move.

12 A. Yes.

13 Q. So salary is identical.

14 A. (Witness nods head.)

15 MR. DEVLIN: That was a yes?

16 A. Yes. Well, I was thinking about that. They're  
 17 not exactly identical. Because I'm actually working 40  
 18 hours a week. So it's those couple extra hours. I believe  
 19 I'm also getting a shift differential pay because it's  
 20 second shift I'm working rather than first. So, I mean --

21 Q. But it's based on an hourly rate?

22 A. Yes.

23 Q. And the hourly rate is the same?

24 A. Yes.

25 Q. Before and after?

1 A. No.

2 Q. Did you have any meetings with Sue Deveney, your  
 3 supervisor, regarding you making this move?

4 A. No. She wasn't aware that I bid for the job until  
 5 I received it.

6 Q. All right. So you weren't asked to leave the  
 7 Office of Children and Youth for any reason.

8 A. They didn't want me to leave. They wanted to keep  
 9 me for like six months. And I'm like, I need a change.

10 Q. Who told you that they wanted to keep you? Who is  
 11 the one that said stay, for example?

12 A. Pam Biroscak is the one that was kind of the  
 13 middle person.

14 Q. What's her position?

15 A. She is the unit director, I guess. I don't know  
 16 if that's her exact title, but more or less. She is Sue  
 17 Deveney's boss.

18 Q. So she would be one up above Sue Deveney.

19 A. Yes.

20 Q. This didn't come from Mr. Lucht, though.

21 A. No.

22 (W Deposition Exhibit 1 marked for  
 23 identification.)

24 Q. I'm going to show you briefly what's been marked  
 25 as W Exhibit 1. Do you recognize that document by looking

6 (Pages 18 to 21)

Page 22

1 at it? And you can flip through it. It's about four pages  
 2 long. Do you recognize that?  
 3 A. Yes.  
 4 Q. My question to you is this. It looks to be a job  
 5 review that you had done in 2005; would that be correct?  
 6 A. Yes.  
 7 Q. And that was done by Ms. Deveney?  
 8 A. Yes.  
 9 Q. Okay. And I guess the reviewer's signature is --  
 10 would that be Pamela Biroscak?  
 11 A. Biroscak.  
 12 Q. That would be the unit supervisor you were talking  
 13 about.  
 14 A. Yes.  
 15 Q. Okay. The question I have is this. I notice that  
 16 in the employee comments section, you indicated you  
 17 disagreed with the rating.  
 18 A. Yes.  
 19 Q. And correct me if I'm wrong. I looked at some of  
 20 your other reviews, and you had not made that kind of  
 21 indication in the past. Would that be accurate, if you  
 22 remember?  
 23 A. I believe there may have been one or two that I  
 24 may not have agreed with.  
 25 Q. Okay.

Page 23

1 A. Prior. I'm not exactly sure.  
 2 Q. Okay. But this one, you specifically said, I  
 3 disagree with this rating.  
 4 A. Yes.  
 5 Q. Can you give me an idea why?  
 6 A. Yes. A foster home had said that I had not seen a  
 7 child on a regular basis. And that had been addressed  
 8 previously. And also some of my ratings, I didn't feel  
 9 were -- compared to the other ones, that I had dropped down,  
 10 and I didn't feel that that was appropriate.  
 11 Q. If there were complaints about your job  
 12 performance, would you have -- would you have heard of them?  
 13 A. Yes.  
 14 Q. Do you know if there were any other complaints of  
 15 your job performance from any other parents or foster  
 16 parents, say, in 2004 or 2005?  
 17 MR. DEVLIN: Object to form. You can answer.  
 18 A. Can you ask the question one more time.  
 19 Q. Sure. Are you aware of any other complaints about  
 20 you specifically in your job from any other parents or  
 21 foster parents?  
 22 A. I'm sure that there were some on, you know, not  
 23 returning phone calls in a timely manner, not knowing about  
 24 certain hearings, being disappointed with the way the court  
 25 order had gone or court recommendations had gone.

1 Misunderstandings that they may have had. But nothing, I  
 2 guess --  
 3 Q. How about not showing up for visits on a regular  
 4 basis; anything to that effect, in 2004 or 2005?  
 5 A. Showing up for visits. What kind of visits?  
 6 Q. Visits, for example, between parent and child.  
 7 A. No, that was not a --  
 8 Q. Not an issue.  
 9 A. No. The only reason I asked you to clarify that,  
 10 the only reason, the foster parent said I wasn't making the  
 11 monthly visits to her house.  
 12 Q. Is that the only foster parent that had that kind  
 13 of complaint?  
 14 A. I believe so.  
 15 (W Deposition Exhibit 2 marked for  
 16 identification.)  
 17 Q. Now, about that same time frame, I'm going to show  
 18 you another exhibit. I'm going to mark it as Exhibit No. 2.  
 19 Do you recognize that?  
 20 A. Yes.  
 21 Q. This appears to be right in about the same time  
 22 frame as the evaluation that I just had marked as Exhibit 1,  
 23 within a few weeks of that evaluation. Would that be  
 24 correct?  
 25 A. Yes.

1 Q. Okay. And was this a -- I guess there's two pages  
 2 to it. The second page is an actual letter addressed to  
 3 you; is that right?  
 4 A. Yes.  
 5 Q. And it says there it's a verbal and written  
 6 reprimand; is that correct?  
 7 A. Yes.  
 8 Q. And then it names two infractions in that. And  
 9 the first one is the -- it says progressive deterioration in  
 10 work performance; is that right?  
 11 MR. DEVLIN: You're asking if that's what it says,  
 12 what the document says?  
 13 A. What paragraph?  
 14 Q. The second line.  
 15 A. Okay. Sorry.  
 16 MR. DEVLIN: Go ahead and read the whole thing, if  
 17 you would like.  
 18 A. Go ahead. All right. Yes.  
 19 Q. All right. And then No. 2 is, "Failure to adhere  
 20 to rules, agency policies and procedures;" is that right?  
 21 A. Yes.  
 22 Q. Did someone actually discuss these infractions  
 23 with you?  
 24 A. This is all a result of a case being closed and  
 25 being reopened. Documents were missing.

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1 Q. This is all because of one case, then?

2 A. Yes.

3 Q. Do I understand correctly that when you have a  
4 written reprimand such as the one that I've showed you, that  
5 that only stays in your file for one year?

6 A. I believe it should only be, yes.

7 Q. Okay. This one, I guess, got a copy of your  
8 personnel file, was the only reprimand that was in it.  
9 Okay. Written one. Okay. And that's why I was wondering,  
10 if you're aware of a policy where it only stays in your file  
11 for a one-year period and then it's taken out.

12 A. It should be out after a year, yes.

13 Q. That's your understanding, right?

14 A. That is what is supposed to happen. But these --  
15 I mean, they're supposed to be expunged. I don't know who  
16 pulls them.

17 Q. Okay. Would I be correct in saying that this may  
18 not have been the only reprimand that you've gotten, written  
19 reprimand that you've gotten while you worked for the Office  
20 of Children and Youth?

21 A. One more time, please.

22 Q. Okay. Are you aware of any other reprimands that  
23 you had gotten while you worked at the Office of Children  
24 and Youth?

25 A. No.

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1 Q. So is this the only reprimand that you're aware  
2 of, written reprimand that you're aware of, that you've ever  
3 gotten while you worked for the Office of Children and  
4 Youth?

5 A. Yes.

6 Q. Are there times when you would be given a verbal  
7 reprimand or a warning?

8 MR. DEVLIN: Object to form. You can answer.

9 A. I don't recall any other times.

10 Q. Okay. Prior to 2005, then, you do not recall any  
11 other verbal reprimands or warnings that you received while  
12 you were working at the Office of Children and Youth.

13 A. Correct.

14 Q. Was there ever a time when you were suspended for  
15 any reason, for any period of time while you worked for the  
16 Office of Children and Youth?

17 A. No.

18 Q. I want to go back just real quick where you  
19 indicated that you in some cases, in very few cases, I  
20 guess, you actually have the assistance of a case aide.  
21 Okay?

22 A. Okay.

23 Q. And my question is, to what extent in those  
24 situations do you rely on the case aide for information of  
25 how visits went between the parent and the child?

1 A. In cases where the parent aide is doing visits?

2 Q. Yeah.

3 A. I typically try to stop in during those visits.

4 If they were done at the agency, I would make it a point to  
5 say hello to the children, say hello to the parents. Just  
6 kind of check in. See if the parent needed a break or  
7 something. Frequently, I would transport one way or the  
8 other, so I would have some connection with the children.  
9 In rare cases where I wasn't at some part of the visit, I  
10 would touch base with the case aide as to the written  
11 documentation as to how the visit went.

12 Q. The case aide would also prepare a log or notes  
13 regarding how the visits had gone; would that be correct?

14 A. Observation log, yes.

15 Q. Observation log; is that what you said?

16 A. Yeah, observation report. Visitation,  
17 observation. I don't know the exact name of it.

18 Q. Is that supposed to be done, I guess, with each  
19 visit that the case aide does?

20 A. Yes.

21 Q. And is that something that would then be on a  
22 computer, or is it something that is actual paper that gets  
23 filed in the file?

24 A. Both.

25 Q. Both?

1 A. Could be both.

2 Q. Okay. Is it something that you're required to  
3 review?

4 A. Yes, my signature. In the handwritten part mine  
5 was -- my signature was necessary, along with the  
6 supervisors. I didn't use the computer a whole lot, so they  
7 were written out, basically.

8 Q. But you would review those periodically as the  
9 case aide would complete those; would that be a correct  
10 statement?

11 A. Not periodically. I would always review them.

12 Q. Okay. All right. Would you do it on a daily  
13 basis, I mean, every day? At the end of the day, would you  
14 go back and review those entries, or is that something that  
15 you might do every week?

16 A. Visits were typically once a week. So when the  
17 visit was happening, you know, whenever the visit was, I  
18 would either check within a day or two, just to kind of get  
19 a background.

20 Q. You're familiar with Abby Conley.

21 A. Yes.

22 Q. How long have you known Ms. Conley?

23 A. I don't know. I don't actually remember when she  
24 started at the agency.

25 Q. Would you have known her since the time that she

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1 did start, do you recall?

2 A. Right around that time, yeah.

3 Q. Had she always worked in the same department that  
4 you did?

5 A. No.

6 Q. Okay. Was she also in -- well, let's say the last  
7 six years, you said that you were in the -- what department?

8 A. Placement.

9 Q. Placement. Was she in placement during the last  
10 two years of her employment, do you know?

11 A. I just know that she was involved in cases. I  
12 don't know her direct supervisor -- who she reported to. I  
13 just knew, when I had to -- interactions I had with her on  
14 cases that I had.

15 Q. And how many cases did you have, actually have  
16 with her, that you recall?

17 A. I want to think maybe only one. I can't think of  
18 any other. I mean, I don't remember her being on a whole  
19 lot of cases. I don't usually have a whole lot of parent  
20 aide involvement.

21 Q. There's really only one that you recall, though,  
22 at this time?

23 A. I believe so, yes.

24 Q. All right. We've been using initials up to this  
25 point in time. Would the initials of the mother be VW on

1 Q. So she was already part of that case when you got  
2 assigned to it.

3 A. Yes.

4 Q. Did the other caseworker leave the agency?

5 A. Yes.

6 Q. And that's why you took that case over?

7 A. Yes.

8 Q. Did you ever discuss that particular case, or any  
9 part of that case, with the previous caseworker?

10 A. The previous caseworker?

11 Q. Yeah. To get background or anything to that  
12 effect.

13 A. There was brief communications, but not a whole  
14 lot. At the time that I got that case, a lot was happening  
15 with it.

16 Q. Okay.

17 A. There were charges, and the FBI was involved. So  
18 she just brought me up to speed on that situation.

19 Q. Okay. So you did talk to her to at least  
20 familiarize yourself with the case.

21 A. Yes.

22 Q. Did those communications take place while she was  
23 still at the agency, or was she already gone?

24 A. No, definitely at the agency. Once she is gone,  
25 it's a breach of confidentiality to have communications --

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1 that particular case?

2 A. Yes. I have to write that down.

3 MR. DEVLIN: Actually, while we're on that, and I  
4 don't mean to interrupt. With respect to this  
5 deposition, is it going to be deposition of PW; is  
6 that how we're agreeing to do it? I mean, she has  
7 been PW in every other deposition. I'm just  
8 wondering, on the caption it would seem to be  
9 logical that it would be PW throughout this  
10 deposition.

11 MR. ANGELONE: That's fine. I have no -- I don't  
12 have any problem with that.

13 MR. DEVLIN: Okay.

14 (Discussion held off the record.)

15 Q. Now, on this particular case, the VW case, do you  
16 recall when you first started on that case yourself? When  
17 were you assigned to that case?

18 A. I don't know. I mean, I don't remember the date.

19 Q. All right. Was there a previous caseworker that  
20 was assigned to that case?

21 A. Yes.

22 Q. And was Abby Conley a case aide on that case?

23 A. Yes.

24 Q. Prior to your assignment to that case?

25 A. Yes.

1 with me having communications with her.

2 Q. So she was still working there at the time.

3 A. Yes.

4 Q. So you were assigned this case while she was still  
5 there, then.

6 A. Yes, there was a brief overlap.

7 Q. Okay. So after she left, then, you had no  
8 decisions with her from that point on.

9 A. That's correct.

10 Q. Did she discuss with you what the agency's goal  
11 was on that -- at that time?

12 MR. DEVLIN: Object to form. Go ahead.

13 A. I believe I read that in the court summary.  
14 Because when I got the case, I reviewed the previous  
15 information.

16 Q. Okay.

17 A. To familiarize myself with the case, and what the  
18 goals were, what the court order was, to make sure that we  
19 were complying with that.

20 Q. So when you first got the case, what was your  
21 understanding of the goal, the agency goal?

22 A. We were looking at -- it was concurrent planning.

23 Q. Okay. What's that mean?

24 A. Both looking at reunification and also looking at  
25 possible family resources or other resources.

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1 Q. Okay. Go ahead.

2 A. We were also -- we were trying to assess also the  
3 father of the two children that were involved, what his  
4 involvement was.

5 Q. All right. Am I correct the father was  
6 incarcerated at the time?

7 A. At the time I got the case, we had no contact with  
8 the father.

9 Q. I'm not sure.

10 A. We had no idea where he was at.

11 Q. So the father was not a potential resource at the  
12 time?

13 A. No. We were actually looking at aggravated  
14 circumstances in regards to him, because he had not had  
15 contact for a period of time.

16 Q. Okay. What's aggravated circumstances mean, then?

17 A. It is where we go to court showing that the parent  
18 has -- there's different criteria. But this criteria was  
19 that he basically abandoned the child. The child had been  
20 in placement for a period of time. He had not maintained  
21 contact or a -- I can't even think of the exact words. A  
22 parent parental relationship with these children for a  
23 period of time.

24 Q. At this time, when you took over the file, though,  
25 there were not aggravating -- I guess aggravating

1 Q. Does that mean that the caseworker would not be  
2 there? Or she would have one foot in the door and the other  
3 one out? How does that work?

4 MR. DEVLIN: Object to form. If you know.

5 A. I don't know. I mean --

6 Q. That's not a term that's used within the agency,  
7 then?

8 A. Not in this situation it wouldn't have been, no.

9 Q. As far as you know, though, was the case aide  
10 present for all the visits, or you don't know that?

11 A. Prior to my involvement?

12 Q. Yes.

13 A. I don't know that.

14 Q. All right. After your involvement?

15 A. Yes. I mean, all -- she was involved for all the  
16 case -- all of the visits that she was assigned to do.

17 Q. Okay. Do you recall, as we sit here, how many  
18 visits there were in that particular case?

19 A. No.

20 Q. Is that something that would be set out by a court  
21 order?

22 A. Yes.

23 Q. So that the judge would actually make that  
24 decision, as to how many visits?

25 A. Yes.

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1 circumstances with respect to the mother?

2 A. No.

3 Q. So if I also understand, at this time you took  
4 over this file, it was still up in the air whether or not  
5 there was going to be a -- I guess a termination of parental  
6 rights versus reunification; would that be correct?

7 A. Yes.

8 Q. Okay.

9 A. The case also changed a little bit too because of  
10 the criminal stuff that was happening.

11 Q. Well, you say it changed. When did that change  
12 take place?

13 A. Just prior to me getting -- I mean, when I got the  
14 case, the changes were taking place.

15 Q. Okay. What are the circumstances? Criminal, you  
16 said criminal?

17 A. Mom's paramour, VW's paramour, was being charged  
18 with burglary or armed -- robbery of a bank, bank robbery.

19 Q. Okay.

20 A. So the visits went from being semi-supervised to  
21 being supervised and monitored, more closely monitored.

22 Q. And you said semi-supervised. What does that  
23 mean?

24 A. The previous worker, previous caseworker, that's  
25 how she documented; semi-supervised, monitored.

1 Q. Per week, for example?

2 A. Yes.

3 Q. Could it be that in that particular case there  
4 were two visits per week?

5 MR. DEVLIN: If you know.

6 Q. If you know.

7 A. At some point during my involvement visits were  
8 increased, so I'm not sure if that -- at what point you're  
9 talking.

10 Q. But at some point -- would I be correct in saying  
11 at some point after you took over that case, that the visits  
12 did occur twice a week?

13 A. They did.

14 Q. They did?

15 A. Yes.

16 Q. Did that go on for a month or two, or do you  
17 recall?

18 A. I don't recall.

19 Q. Okay. If I understand correctly, these visits  
20 that would happen every week or every two weeks -- or, I'm  
21 sorry, every week or twice a week in this case, with the  
22 case aide, right?

23 A. No.

24 Q. They weren't?

25 A. No.

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1 Q. Who would -- who, then, would monitor those  
 2 visits?

3 A. The visits were done by both myself and the parent  
 4 aide.

5 Q. The parent aide. When you say parent aide, you  
 6 mean the case --

7 A. Case aide.

8 Q. I say case aide. We're talking about the same  
 9 thing.

10 A. Yes.

11 Q. And in this case, it would be Abby Conley?

12 A. Yes.

13 Q. Okay. Was Abby Conley there for every one of  
 14 those visits?

15 A. No.

16 MR. DEVLIN: Object to form. Go ahead.

17 Q. So it would be either Abby Conley or you, or both,  
 18 would that be right?

19 A. Yes.

20 Q. There wouldn't be anyone else that would be  
 21 involved in that, then? I'm sorry, let me ask it another  
 22 way. There wouldn't be anyone else that would be in charge  
 23 of the supervision part beside yourself or Abby Conley;  
 24 would that be right?

25 A. Correct. Yes.

1 Q. All right. Now, if I understand correctly -- let  
 2 me ask you this way. The VW case, is that still an  
 3 ongoing -- an open file, as far as you know?

4 A. I don't know.

5 Q. Was it at the time that you were with the agency,  
 6 Office of Children and Youth, in January?

7 A. I don't know.

8 Q. Was there a point in time that you were taken off  
 9 that case, then?

10 A. Yes.

11 Q. When would that have been?

12 A. I want to say in November of 2004, on or around  
 13 that time. Maybe earlier than that.

14 Q. Okay.

15 A. The fall of 2004.

16 Q. It's not because the case was concluded, then;  
 17 would that be right?

18 A. That's correct.

19 Q. And was Ms. Deveney also removed from that case at  
 20 the same time?

21 A. I don't know. Once I stopped working on the case,  
 22 I stopped working on the case.

23 Q. Is it typical that the caseworker does not follow  
 24 through on a case to its conclusion?

25 A. Yes.

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1 Q. And during that period of time, was the amount of  
 2 time also increased, if you recall, for those visits?

3 A. Yes. During -- I mean, I'm not sure if we're  
 4 talking like -- I mean, I had the case for a period of time.  
 5 During some of the time, the visits were increased and also  
 6 time was increased.

7 Q. Okay. Are these visits usually for like an hour  
 8 or two?

9 A. Yes. And I believe they were increased from like  
 10 an hour to hour and a half to like two hours. It was a  
 11 gradual increase.

12 Q. It was a gradual increase.

13 A. Yes.

14 Q. And I think, if I'm correct, you testified before  
 15 that you tried to get to all those visits yourself as part  
 16 of your job too.

17 A. Yes.

18 Q. And if you recall, did you also do that in this  
 19 particular case?

20 A. Yes.

21 Q. So you didn't treat or handle this case any  
 22 different than any other case that you had.

23 A. Correct.

24 Q. Would that be correct?

25 A. Yes.

1 Q. In this particular case, do you know why you were  
 2 taken off this case?

3 A. Yes.

4 Q. Did someone actually give you a reason?

5 A. Yes.

6 Q. Who would that have been?

7 A. Administration.

8 Q. A certain person in administration?

9 A. It was an administrative decision. I don't know  
 10 who exactly was the one who made the decision.

11 Q. Okay. But someone actually told you, you're going  
 12 to be taken off this case, right?

13 A. Yes.

14 Q. Who was that, that actually told you that?

15 A. I believe it was Sue Deveney.

16 Q. And she probably told you why.

17 A. Yes.

18 Q. And what reason did she give you?

19 A. Because the problems that were happening on the  
 20 case.

21 Q. Did you know what she meant by that?

22 A. Yes.

23 Q. And what was your interpretation of what she meant  
 24 by that, problems on that case?

25 A. The mother was having some -- making some

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1 allegations towards myself. And VW had another child. And  
2 the goal had changed.

3 Q. So once a goal changes, the policy is to change  
4 caseworkers?

5 A. At that particular time on this case, a lot was  
6 happening. Okay. So, I mean, the dynamics of the case.  
7 And that she had another child. And it just -- the parents  
8 had threatened me also. So, I mean, for my safety and for  
9 the continual relationship with the family, I agreed to  
10 not be involved.

11 Q. Well, is it something that they asked you if you  
12 wanted to do, or is it something that was mandatory, you  
13 said you were not going to be involved in this case anymore?

14 A. It was kind of a mutual agreement type of a thing.  
15 They had asked me if I felt comfortable on this case. And I  
16 said no, not with the new events that had occurred, I didn't  
17 feel comfortable.

18 Q. So you still had a choice to stay on that case if  
19 you wanted to; is that what you're saying?

20 A. I could have, yes.

21 Q. It was your choice.

22 A. It was my choice, yes.

23 Q. You said one of the things, the mother was making  
24 allegations.

25 A. Yes.

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1 A. Yes.

2 Q. Did anyone else besides Ms. Deveney discuss with  
3 you why you were being taken off that case?

4 A. I don't believe so. We discussed it. Pam  
5 Biroscak may have been part of the administrative decision.  
6 I don't know if Pam was even the director then of that. I  
7 mean administrative decision. Sue was just kind of  
8 reporting what the administration had said. And I agreed  
9 that, fine, I didn't want the case anymore.

10 Q. Okay. I guess my question, then, is, you  
11 understand it to be administrative decision. Who in the  
12 administration would you believe would be in that decision  
13 process?

14 A. I'm not sure. I'm not certain. I mean --

15 Q. Do you mean like Debra Liebel?

16 A. I don't know if it went that far. It may have  
17 been just middle management that made the decision.

18 Q. Okay. Middle management, Pam Biroscak?

19 A. And Char Kolupska. You know, those middle  
20 management, people that were above the supervisors.

21 Q. Okay. Do you know if Attorneys Cauley or Allgeier  
22 had anything to do with that?

23 A. No, they wouldn't have.

24 Q. All right.

25 MR. DEVLIN: No, you don't know; is that your

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1 Q. What kinds of allegations?

2 A. That she wasn't treated fairly, that her kids were  
3 being -- they're mainly allegations for the agency. That  
4 the kids weren't being treated fairly. She had concerns  
5 about the kids. She had concerns about the relationship  
6 between myself and her.

7 Q. You get those kind of complaints all the time,  
8 though, I would imagine.

9 A. The agency does.

10 Q. Would that be correct?

11 A. Yes.

12 Q. That doesn't usually justify changing a  
13 caseworker, though.

14 A. Her paramour had made threats to bodily harm me.  
15 So, I mean, I --

16 Q. This paramour, was he incarcerated at that time?

17 A. Yes.

18 Q. And what kinds of threats was he making?

19 A. To find someone to take me out. And I don't mean  
20 out on a date. I mean to do me in, kill me.

21 Q. Why would he -- do you have any idea what would  
22 prompt him to make those types of threats?

23 A. Yes. He said that Abby had said that I had shook  
24 one of VW's kids and slapped her.

25 Q. And that's the only reason that you know of?

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1 answer?

2 A. No, I don't believe they had any -- in normal  
3 situations, they would not be involved in that. That is not  
4 a court decision; that is a clinical decision. They  
5 wouldn't have -- I don't believe they would have been  
6 consulted.

7 Q. In this particular case, you don't know that they  
8 had any involvement in that, then.

9 A. No, I wouldn't -- I don't think that they did.

10 Q. Okay. Do you know who took over that case, then?

11 A. Let me think. It was briefly assigned to another  
12 caseworker in Sue Deveney's unit. And then it went outside  
13 the unit to another supervisor and caseworker.

14 Q. So it ultimately did leave Sue Deveney's unit as  
15 well.

16 A. Yes.

17 Q. Was that shortly after you were taken off the  
18 case?

19 A. Shortly being how long?

20 Q. Was it in the same year, 2004?

21 A. I would say maybe two, three months after, it may  
22 have been transferred.

23 Q. Okay.

24 A. Which may be January of 2005.

25 Q. Okay.

12 (Pages 42 to 45)

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1           MR. DEVLIN: Just your best estimate.  
 2           Q. That's fine. You made mention of an allegation  
 3           that was made by Abby Conley with respect to your treatment  
 4           of one of VW's children.

5           A. Yes.

6           Q. For purposes of the deposition, I believe the  
 7           initial for the child -- first name would be a D. Was it DW  
 8           or is it DB? DB; does that sound familiar to you?

9           A. It could be. I mean, I know the last name is B.

10          Q. You don't remember the first name? If you do.

11          A. No, not really. I mean --

12          Q. I'm not trying to trick you. I just want to know  
 13           what you remembered. Do you recall roughly how old she was  
 14           in the year 2004 when you were handling this case?

15          A. Preschool age.

16          Q. Okay. And you said that you think that Ms. Conley  
 17           made an allegation about you. Do you know what the  
 18           allegation was?

19          A. Yes. That I had slapped and shook this child.

20          Q. Okay. That you had slapped the child?

21          A. And shook the child.

22          Q. And shook the child.

23          A. Yes.

24          Q. On the same occasion?

25          A. Yes.

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1           Q. So there was a complaint of only the one occasion  
 2           that you --

3           A. Yes.

4           Q. Was there an investigation conducted because of  
 5           that incident?

6           A. Yes.

7           Q. And do you recall who conducted that  
 8           investigation?

9           A. DPW.

10          Q. Someone from Pittsburgh?

11          A. Yeah.

12          Q. Shara Saveikis; does that sound familiar to you?

13          A. First name does, yeah.

14          Q. Am I correct that she came to Erie to investigate  
 15           that?

16          A. Yes.

17          Q. All right. Do you recall, was it in the summer of  
 18           2004?

19          A. I can't really tell you. Don't know.

20          Q. All right. When did you first learn of the  
 21           allegation?

22          A. I want to say approximately two weeks after it  
 23           allegedly happened.

24          Q. And who was it that told you about the allegation?

25          A. Probably DPW.

1           Q. Did anybody in the unit tell you that this  
 2           allegation was made against you?

3           A. I don't believe so.

4           Q. Didn't Sue Devaney tell you about the allegation  
 5           before DPW got involved?

6           A. She said there was allegations about me regarding  
 7           a child, my caseload.

8           Q. She didn't tell you which child?

9           A. She asked what happened at a certain visit.

10          Q. For this particular child.

11          A. Well, at the time, I didn't know for what child.

12          And then asked me about this particular child. And I had  
 13           told her what I -- my account of what happened. And she  
 14           said, okay, well, DPW wants to talk to you about that visit.

15          Q. What was your account of what had happened?

16          A. I had arrived early at Lovell Place for the visit.

17          It was a visit that Abby was going to be doing. I had to  
 18           talk to mom about something, and I don't remember even what.

19          Q. Mom, you mean VW?

20          A. Pardon?

21          Q. You said you had to talk to mom. You mean VW?

22          A. Yes. The mom of the visit that was going to take  
 23           place.

24          Q. Okay.

25          A. VW was pregnant. And it was -- it may have been

1           summer because it was a hot day. And I had gone outside to  
 2           help Abby bring the children in. When I got to the car --  
 3           we had just concluded seat belt training for car seats. And  
 4           the seat belt was very, very loose on the child, the female  
 5           child.

6           And I pulled it, and it went over a couple  
 7           fingers. And I said, this is way too loose, Abby, you've  
 8           got to make sure you tighten this up. And, hey, if you  
 9           want, why don't you go get lunch or something. And she  
 10           said, oh, that would be great, I started early, I could use  
 11           a break. So I said, just come back at the end of the visit.  
 12           She wanted to go check her messages and stuff.

13          I took the kids in. They had a good visit. Abby  
 14           came back with food from some fast food restaurant. I do  
 15           recall telling Abby that this was mom's visit and, you know,  
 16           please, I want to see how mom interacts, please try to not  
 17           interact too much. The visit ended, and Abby took the kids  
 18           home.

19          Q. Okay. There was an allegation that you had  
 20           actually, I think, perhaps grabbed DB's face and shook it?  
 21           Do you deny that that ever happened --

22          A. Yes.

23          Q. -- during this visit?

24          MR. DEVLIN: You're asking her if she denied the  
 25           fact, not whether the allegation was made.

13 (Pages 46 to 49)

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1 Q. Thank you. Do you deny that that incident ever  
 2 happened?

3 A. Yes.

4 Q. Based on your recollection of the story, you never  
 5 touched the child. Is that your testimony, then, on this  
 6 particular day?

7 A. Well, I held her hand to cross the street, but, I  
 8 mean, nothing --

9 Q. Okay.

10 A. Not anything without normal care getting her  
 11 across the street, across the parking lot to the visit.

12 Q. At any time prior to this visit or following this  
 13 visit, while you were involved in this case, did you ever  
 14 grab the child in a forceful manner?

15 A. No.

16 Q. Never grabbed her by the arm?

17 A. No.

18 Q. That you recall?

19 A. No.

20 Q. Was this the only complaint that was made about  
 21 the way you interacted with that child?

22 A. Yes.

23 Q. Had you ever been reprimanded or warned in the  
 24 past about your handling or the way you handle children that  
 25 are in the agency?

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1 MR. DEVLIN: Object to form. You can answer.

2 A. Not that I recall, no.

3 Q. There wouldn't have been any other reprimands that  
 4 were written as part of your personnel file that had been  
 5 expunged about either slapping a child or forcibly grabbing  
 6 the child or anything to that effect?

7 MR. DEVLIN: Object to form. You can answer.

8 A. No, not that I recall.

9 Q. Was that particular visit the first time that you  
 10 had a visit between parent and child?

11 A. No.

12 Q. When was the first time that you learned that Abby  
 13 had made the allegation?

14 A. Allegations are anonymous.

15 Q. Okay. But you knew she made the allegation.

16 A. Well, during when DPW was there, I kind of figured  
 17 out who had made that allegation.

18 Q. Prior to that time, you had no idea who made that  
 19 allegation?

20 A. I suspected it was Abby. She was the only one  
 21 that was there.

22 Q. And no one else had told you that it was Abby that  
 23 made the allegation prior to that?

24 A. No. No one else -- I mean, I don't know how -- no  
 25 one else would know, because it's anonymous. I mean --

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1 Q. Okay.

2 A. By the way the law is written.

3 Q. Fair enough. Did you discuss this particular case  
 4 with Sue Devaney as well? And I mean as far as the  
 5 management of the VW case and how things were going, how  
 6 things were progressing.

7 A. Yes.

8 Q. Okay. You would do that on a regular basis, from  
 9 what I understand, right?

10 A. Yes.

11 Q. And at any time during those discussions, I guess  
 12 in the two or three months when you first got the case, did  
 13 you have any impression as to what, I guess, Sue Devaney's  
 14 intentions were or what she felt the goal should be in this  
 15 particular case?

16 A. I don't know if I understand your question.

17 Q. In the first two, three months when you came to be  
 18 caseworker on this case, did she express to you her feelings  
 19 or impressions on what the goals should be?

20 A. No. She just came back on information as to what  
 21 had happened on the case.

22 Q. Okay. I think you already stated this. But you  
 23 pretty much handled this case the same way you would handle  
 24 any other case that you had.

25 A. Yes.

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1 Q. As far as the visits or the number of visits that  
 2 you would attend and things of that nature.

3 A. Yes.

4 Q. When did you first learn that Abby Conley was  
 5 going to be terminated?

6 A. I think a day or two after it had happened.

7 Q. So you didn't know anything prior to it happening.

8 A. No.

9 Q. Did either Mike Cauley or Attorney Allgeier  
 10 question you or ask you about any complaints about Abby  
 11 Conley?

12 A. No.

13 Q. Did anybody prior to her termination come to  
 14 discuss Abby Conley's conduct in the agency in any way?

15 MR. DEVLIN: With her?

16 Q. With her. With you.

17 A. Yes.

18 Q. Okay. Who would that have been?

19 A. People within our unit.

20 Q. Such as who?

21 A. Other caseworkers in the unit.

22 Q. Other caseworkers?

23 A. Yes.

24 Q. Can you give me any names or any examples?

25 A. Examples of what was talked about?

14 (Pages 50 to 53)

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1 Q. Well, who was it that would have said something to  
 2 you, first of all?

3 A. There was conversation within our unit. So other  
 4 caseworkers who have been at the agency. Are we using names  
 5 or are we using initials?

6 MR. DEVLIN: It depends on the person.

7 Q. I think you can use names for this.

8 A. They're caseworkers. Michele Schetter. Mike  
 9 Hughes.

10 Q. And they would come to you?

11 A. Well, no. We had -- we had peer group. And other  
 12 times we would just be talking informally. Abby's behavior  
 13 started to get peculiar.

14 Q. What do you mean by that?

15 A. She -- I don't know how to describe it. She just  
 16 was always kind of real paranoid, almost. I hate to use  
 17 that word. But paranoid, people were out to get her. She  
 18 started talking a lot more about her life, you know. Before  
 19 she was hired, you know, I heard that she was telling people  
 20 that she was the niece of Judy Lynch.

21 The Christmas towards the end of her employment at  
 22 the agency, she sent everyone out a typed letter stating  
 23 about her life story. You know, that she lived in a box,  
 24 that she was homeless. She didn't want to do secret Santas.  
 25 She didn't want to do our Christmas party. She didn't feel

1 Q. Did you ever say -- tell anyone else at OCY that  
 2 you didn't want to work with her?

3 A. I didn't want to work with her on any more cases,  
 4 yes.

5 Q. You did make that known.

6 A. Yes. I told that to Pam Biroscak and Sue Deveney,  
 7 that I didn't want her on any more of my cases.

8 Q. And that was the only case that you worked on with  
 9 her; would that be right?

10 A. Yes, I believe so.

11 Q. There was also a document that I had seen about an  
 12 incident that happened at a Christmas party the year before  
 13 that where she wrote you a letter. Do you recall that?

14 A. Wrote me a letter or everybody in the unit?

15 Q. No, I think she addressed it to you, perhaps.  
 16 Something that she felt that you said some inappropriate  
 17 things to a parent. Do you recall anything like that?

18 A. No.

19 (Recess held from 4:12 p.m. to 4:21 p.m.)

20 Q. If I understand correctly, I looked at my notes, I  
 21 think you said that you had figured it out yourself, that  
 22 Abby was the one that made the allegations about you.

23 A. More or less, yes.

24 Q. More or less. What's the more part?

25 A. I had asked the DPW worker who had made the

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1 worthy of doing these things.

2 And kind of a -- she wasn't -- she didn't deserve  
 3 these things. I don't know. Just -- I mean, just -- which  
 4 was troublesome to us. Because she was, you know, telling  
 5 everybody about her personal life, telling clients, telling  
 6 people at the agency.

7 Q. Okay. Let me ask you this. Did she say anything  
 8 to you or ever discuss with you that particular incident,  
 9 the alleged abuse to DB?

10 MR. DEVLIN: You're asking if Abby ever said  
 11 anything to her.

12 Q. If Abby ever said anything to you about that.

13 A. I don't recall her ever saying anything.

14 Q. You never discussed that, that you recall?

15 A. I avoided Abby from that point on.

16 Q. From what point on?

17 A. From the point of that investigation on. I mean,  
 18 I was friendly and stuff to her, but I didn't seek her out.  
 19 When I saw her, I was pleasant and stuff like that. She was  
 20 still in our unit, so we still interacted with her. But I  
 21 didn't --

22 Q. Okay. Did you ever recall telling anyone else  
 23 that you worked with that you didn't like -- that you didn't  
 24 like Abby Conley personally?

25 A. I never said I didn't like Abby.

1 allegation. And she said she couldn't share who made the  
 2 allegations, but she would be interviewing people that were  
 3 at the visit, including Abby and the child.

4 Q. Okay.

5 A. So.

6 Q. So no one else actually came out and told you that  
 7 it was Abby that made those allegations.

8 A. Yes. Correct. I mean --

9 Q. Okay.

10 A. I mean, I suspect it was her.

11 Q. All right. As we sit here today, did anybody tell  
 12 you that it was Abby?

13 A. I think everyone -- I think people at the agency  
 14 now all assume it was Abby.

15 Q. Okay. So there were other people at the agency  
 16 that made assumption as well?

17 A. Yes. I believe so. I mean, I don't know if they  
 18 assume, but yeah.

19 Q. Do you know an individual by the name of -- last  
 20 name of Peebles?

21 A. Yes.

22 Q. Would the first name be Kim?

23 A. Yes.

24 Q. Who would she be?

25 A. She is --

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1 Q. As it relates to the agency.  
 2 A. She is like in charge of all the secretaries.  
 3 Q. She has her own desk?  
 4 A. We pretty much all have our own desks.  
 5 Q. Her own office?  
 6 A. Yes.  
 7 Q. Was it in close proximity to you or your station?  
 8 A. At one point it was, yeah.  
 9 Q. Do you recall ever having any discussion with her  
 10 regarding the allegations that you understood were made by  
 11 Abby?  
 12 A. Yes.  
 13 Q. You did?  
 14 A. I believe I did. I'm not certain, but I most  
 15 likely did. I did talk to her.  
 16 Q. Was this just on one occasion or more than one?  
 17 A. I don't know.  
 18 Q. At least one occasion that you think you did?  
 19 A. Yes.  
 20 Q. Do you remember what the discussion was about?  
 21 A. I wanted my cube moved, my space. I didn't want  
 22 to sit that close to Abby.  
 23 Q. Okay. Is this still at the time when you were  
 24 both on the VW case together?  
 25 A. It was around that time. I don't know if I was

1 Q. Okay. What's her position at the agency?  
 2 A. She is a caseworker. I'm not sure what level.  
 3 Q. Do you remember at any time ever telling  
 4 Ms. Walczak that -- that you understood Abby made the  
 5 allegation that we're talking about?  
 6 A. I'm not certain if I did. I was telling people --  
 7 I probably -- I may have told her, because I knew she was  
 8 part of the union people, and I wanted my cube moved.  
 9 Q. So she's a union rep as well?  
 10 A. Her husband is or -- I mean, she is part -- I  
 11 don't know if she is a rep, but she's like an assistant rep.  
 12 And I wanted my cubicle moved.  
 13 Q. Did your cubicle get moved eventually?  
 14 A. Yes, eventually.  
 15 Q. It did?  
 16 A. Eventually. I mean, I had to go to  
 17 administration, several administrators, to get it moved.  
 18 Q. Prior to the allegation being made, did you have  
 19 any reason to believe that my client disliked you?  
 20 A. No.  
 21 Q. Did you give any indication to her that you  
 22 disliked her in any way?  
 23 A. No. Not even afterwards.  
 24 Q. Okay.  
 25 A. I mean, I was upset, I wanted my cube moved. But

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1 still on the case or off the case. But I wanted my area  
 2 moved. Actually, I wanted Abby's moved.  
 3 Q. Okay. Did you explain why you wanted it moved?  
 4 A. I didn't want to work by her. She was making my  
 5 work experience -- my work very difficult.  
 6 Q. Okay. So if I understand correctly, then, you  
 7 didn't just want to not work with her on cases, you didn't  
 8 want to work anywhere near her.  
 9 A. Abby, when she was on the phone, was very loud.  
 10 And I was -- I just wanted to avoid being that close to her.  
 11 I mean, she probably is right now as close as her desk was  
 12 to mine.  
 13 Q. Okay. You had something separating your desks,  
 14 though, would that be right?  
 15 A. Yes.  
 16 Q. Would that be like a partition?  
 17 A. Yes.  
 18 Q. How high up did the partition go?  
 19 A. I don't know. 5, 6 feet.  
 20 Q. Okay. And yet you could still hear the person on  
 21 the other side?  
 22 A. Oh, very well.  
 23 Q. Okay. Did you also know a person by the name of  
 24 Kathy Walczak?  
 25 A. Yes. She is an employee at the agency.

1 I just didn't want to work in that same general area. I  
 2 still was civil to her. I had given her even things for her  
 3 home.  
 4 Q. Assuming that she made these allegations, then,  
 5 would I be correct in saying that you would characterize  
 6 those as lies?  
 7 MR. JOYAL: What? Characterize what as lies?  
 8 MR. ANGELONE: The allegations.  
 9 A. They were -- DPW came and found that they were  
 10 unsubstantial report. So due to the investigation being  
 11 unfounded and being no evidence for that, I think that very  
 12 strongly states that they were lies.  
 13 Q. Okay. Do you have any idea why she would -- what  
 14 would cause her to lie about something like that?  
 15 MR. DEVLIN: Objection. Calls for speculation.  
 16 You can answer.  
 17 MR. LANE: I join in that.  
 18 Q. If you know. If you have any idea what may have  
 19 brought that on.  
 20 A. No.  
 21 Q. So you don't know what kind of motivation would be  
 22 involved in saying a lie such as that.  
 23 MR. DEVLIN: Same objection.  
 24 A. I don't know what Abby thinks or says or does. I  
 25 mean, I also testified earlier that -- or stated earlier

16 (Pages 58 to 61)

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1 that Abby's behavior changed.

2 Q. You're familiar with case summaries; is that  
3 right?

4 A. Yes.

5 Q. Do you have to prepare those for cases that are  
6 going to hearing?

7 A. Court summaries, yes.

8 Q. Court summary, yes. Are they the same in format  
9 that the case aide has to prepare?

10 A. No, definitely not.

11 Q. And for every case that you're involved in, am I  
12 correct that you have to prepare a court summary if it's  
13 going to be going to a hearing?

14 A. Yes.

15 Q. It's standard practice; is that right?

16 A. Yes.

17 Q. Does anybody review your court summaries before  
18 they're submitted?

19 A. Did they; yes.

20 Q. Who is responsible for reviewing your court  
21 summaries?

22 A. What time? At the time that -- what are we  
23 talking about? Because right now I do court summaries.

24 Q. Okay. I apologize. At the time when you were  
25 working under Ms. Deveney, okay, who would review your court

1 MR. DEVLIN: Are you asking with respect to her  
2 court summaries only?

3 MR. ANGELONE: No, I'm asking her just in general,  
4 if she has any knowledge whether other supervisors  
5 had the ability to make modifications to court  
6 summaries.

7 A. All supervisors did. I mean, I worked there for  
8 16 years. Basically, if it asked for a certain thing, I  
9 neglected to put it in there, they would add it, they delete  
10 it, you know, irrelevant information, too wordy. That's why  
11 supervisors were signing it, stating that they had reviewed  
12 it.

13 Q. And if I understand correctly, that policy  
14 subsequently changed when Mr. Lucht took over?

15 A. Yes.

16 Q. And if I understand correctly also, he circulated  
17 a memo to everyone to that effect; would that be right?

18 A. Yes.

19 Q. Were you in any way involved in another case that  
20 was going on in 2004 around this same time? And I'm going  
21 to refer to it as the case where Abby Conley testified on  
22 July 28th, 2004 where she testified that Ms. Deveney made  
23 changes to her court summary. Are you familiar with that?

24 A. No. I heard about it, but I'm not familiar with  
25 it at all.

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1 summaries when you were working in that department for OCY?  
2 A. Usually, Ms. Deveney or whoever was the covering  
3 supervisor.

4 Q. Was it your understanding that Ms. Deveney had the  
5 authority to make modifications to those court summaries  
6 before they were submitted?

7 A. She made modifications in punctuation. Actually,  
8 what she did for mine is put more information that I  
9 neglected to put in. She never changed the meaning of my  
10 summaries.

11 Q. Okay. Do you know if she would at any time  
12 actually delete sentences from your summaries or entire  
13 sections of your summaries?

14 A. If they were incorrect or repeated. She cleaned  
15 my summaries up.

16 Q. Okay. And that was part of policy at that time.

17 A. At that time.

18 Q. Did that policy change?

19 A. Unfortunately, yes.

20 Q. And would that be under the new director,  
21 Mr. Lucht?

22 A. Yes.

23 Q. Do you know whether it was just Ms. Deveney that  
24 would make changes to court summaries or other supervisors  
25 that had that ability as well?

1 Q. Ms. Deveney never discussed that particular  
2 hearing with you afterwards?

3 A. No. I mean, not any more than we could discuss --  
4 I mean, it wasn't -- no.

5 Q. And you weren't involved in that particular case;  
6 is that right?

7 A. Correct.

8 Q. The court summaries that we're talking about, how  
9 would you submit those to your supervisor?

10 A. My court summaries?

11 Q. Yeah.

12 A. I would write them out, my secretary would type  
13 them. And then after I reviewed them, they would go to  
14 Ms. Deveney.

15 Q. So Ms. Deveney got a hard copy --

16 A. Yes.

17 Q. -- in other words, right? Wasn't it ever  
18 practiced that you would just send it to her or your  
19 secretary would just send it to her by e-mail?

20 A. Never.

21 Q. And you had never been asked to do it that way in  
22 the past?

23 A. No.

24 Q. Are you aware of anyone else that is or was asked  
25 to submit a court summary to their supervisor in that

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1 manner?

2 A. I only know what I do. I don't know what, I mean,  
3 all the other employees do.4 Q. That's fine. I'm just asking if you're aware of  
5 any others.

6 A. No.

7 Q. Okay. Can you tell me -- you seemed somewhat, I  
8 guess, disappointed in some way that Mr. Lucht had issued  
9 that new policy with respect to changes. Can you tell me  
10 why.11 A. The interpretation of it from different people.  
12 They can't even -- I mean, they can't even change -- if you  
13 write an abbreviation, you're supposed to write it out.  
14 Commas. I mean, some people are -- secretaries are not even  
15 changing commas and punctuation. You know, grammar errors  
16 and past tense. Everyone is afraid to change anything. And  
17 I think it's ridiculous. It slows down the process of  
18 getting information out, in my opinion.19 Q. Okay. If I understand correctly, prior to Abby  
20 Conley's termination, no one from the agency discussed with  
21 you your thoughts or feelings about her losing her job?

22 A. No. I had my opinion, but no.

23 Q. Okay. And did you ever express that opinion to  
24 anyone?

25 A. Probably to Kim Peebles.

1 Q. Prior to the issuance of the detention order, did

2 Ms. Conley ever make you aware that VW knew that her baby or  
3 her -- had a good idea that her baby was going to be  
4 detained?

5 MR. LANE: Objection to form.

6 MR. DEVLIN: Do you understand the question?

7 THE WITNESS: No.

8 Q. Okay. Did Abby ever tell you that VW thinks her  
9 baby is going to be detained, prior to the issuance of that  
10 order?

11 A. Abby telling me? No. I know V had told me.

12 Q. Okay. So V had told you prior to the issuance of  
13 that order that she felt her baby was going to be detained?

14 A. Yes, she was leaving town.

15 Q. She told you she was going to leave town?

16 A. Um-hum.

17 Q. And go where?

18 A. Canada. Or out West somewhere, where the agency  
19 wouldn't find her.20 Q. Did she tell you how she knew her baby was going  
21 to be detained?

22 A. At what point?

23 Q. Pardon me?

24 A. When?

25 Q. During this discussion, when she told you she was

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1 Q. Okay. What did you tell Kim Peebles? What was  
2 your opinion?3 A. I felt that Abby had broken policy if she knew  
4 of -- she is a mandated reporter. If she knew of an abuse,  
5 that she was supposed to report it immediately. She  
6 didn't -- I mean, if it was Abby. My thing was, if it was  
7 Abby, she didn't report it immediately. If I'm at risk to  
8 this child, why did she leave me with the child. I had my  
9 own questions that I would have loved to have asked Abby.10 But that was one of the reasons I wanted my desk  
11 moved, because I was very upset that I was put through the  
12 whole investigation, when I felt she had broken policy by  
13 not being the mandated reporter if she did report it.  
14 Reporting it in a timely manner, and leaving the child.15 Q. But no one has actually come to you and confirmed  
16 that she is the one that made the allegation, to this day.

17 A. That's correct.

18 Q. I want to go back, a couple more areas I want to  
19 hit. The VW case, okay, do you recall Abby telling you at  
20 any time that VW knew or was aware that her baby was going  
21 to be detained?

22 A. Excuse me?

23 Q. In the VW case that you handled, were you aware  
24 that there was a detention order issued in that case?

25 A. Yes.

1 going to leave town.

2 A. There were several discussions.

3 Q. During any of those discussions that you had with  
4 her, did she make aware to you her feeling that her baby was  
5 going to be detained?

6 A. VW?

7 Q. Yes.

8 A. Yes.

9 Q. Okay. Did she give you any indication as to how  
10 she came up with that idea?11 A. Prior to the baby being born, it was never  
12 confirmed or denied to her, by me.13 Q. Did she ask you, is my baby going to be detained?  
14 Did she ever ask you that?15 A. And I said it was up to the Court to make a  
16 decision.17 Q. Did she ask you if that was going to be a  
18 possibility?

19 A. I told her --

20 MR. DEVLIN: He asked you if she asked you that  
21 question.

22 A. No.

23 Q. Did you bother asking her at any point in time,  
24 where did you get that information from?

25 A. Yes.

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1 Q. And what did she tell you?

2 A. She told me that Deanna Cosby had told her,  
3 because Abby had told Deanna.

4 Q. So she told you that Deanna Cosby told her, and  
5 because Abby told her that. Now, this is before the order  
6 was actually issued?

7 A. No, after the order was issued.

8 Q. This is after the order was issued. So is it your  
9 understanding that she knew about the order before her child  
10 was born?

11 A. She knew about the order -- yes.

12 Q. And to the best of my understanding, she did not  
13 leave town then. Would that be right?

14 A. Yes.

15 Q. Yes, she did not?

16 A. Yes, she did not leave town.

17 Q. Okay. And upon you receiving this information,  
18 did you report it to anyone?

19 A. Yes.

20 Q. To who?

21 A. To Sue Deveney. And also -- I don't recall who  
22 else at this time. Let me think. I can't remember who  
23 else, but I know it was Sue Deveney.

24 Q. Verbally, or did you do this in writing?

25 A. Verbally.

1 A. A few hours, maybe. Hours to a day.

2 Q. Okay. So what did she tell you? I mean,  
3 specifically, what did VW say to you?

4 A. Specifically, I don't know specifically. But she  
5 was very angry and said that, yeah, Deanna told me that Abby  
6 called her and told her that you were going to take my baby.

7 Q. And that's the exact --

8 A. Not the exact, but in a nutshell.

9 Q. It happened in the hospital.

10 A. Yes.

11 Q. Do you recall prior to that whether Abby told you  
12 that VW knew her baby was going to be detained, or felt that  
13 her baby was going to be detained?

14 MR. DEVLIN: I'm sorry, could you read that  
15 question back.

16 Q. Let me rephrase it. Prior to this discussion that  
17 VW had with you in the hospital, did Abby Conley bring to  
18 your attention that VW suspected her baby was going to be  
19 detained?

20 A. Prior to what?

21 Q. Prior to this discussion with VW in the hospital.

22 A. I'm trying to think. I'm not certain. She may  
23 have told me during the short time before mom had delivered.  
24 When we were reviewing cases, she may have said. Because we  
25 all had known that she had made allegations to move. And

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1 Q. Would this be in any of the client contact, I  
2 guess, reports that you're required to do?

3 A. No.

4 Q. So it's not in writing anywhere in her file  
5 either.

6 A. In whose file?

7 Q. In VW's file.

8 A. I'm not certain. I'm not certain.. I'm not  
9 certain if it was written. I'm not certain if it's in her  
10 file.

11 Q. And based upon that, was any action taken?

12 A. Based upon what?

13 Q. Based upon you learning this information and  
14 reporting it to Sue Deveney, okay. Are you aware of any  
15 action that was taken at that time against Ms. Conley?

16 A. No.

17 MR. LANE: Objection to form.

18 Q. Now, you indicated that VW told you this, about  
19 where she learned this information, right?

20 A. Yes.

21 Q. Would this conversation where she told you that be  
22 before or after her child was born?

23 A. After.

24 Q. Do you recall how soon after the child was born?  
25 I mean, was it within a few days or a few weeks?

1 Abby, I believe, had said she also acknowledged to her that  
2 she continued to -- Abby -- VW continued to say that if they  
3 were going to take her baby, she was leaving. So everyone  
4 was on kind of heightened alert.

5 Q. So did Abby Conley then bring to your attention or  
6 the agency's attention that VW made an allegation that she  
7 was going to move to Canada?

8 A. I don't know if she told Abby that or if she told  
9 me that. I mean, it was told to the agency.

10 Q. Okay. But do you remember if Abby actually told  
11 you or the agency?

12 A. No, I don't recall.

13 Q. All right. Do you remember Abby ever telling you  
14 that VW suspects that her baby is going to be detained and  
15 that she should talk to you about it, or any words to that  
16 effect?

17 A. No.

18 MR. ANGELONE: Can we take about a two-minute  
19 break.

20 (Recess held from 4:46 p.m. to 4:47 p.m.)

21 Q. You, I think, testified that you had an interview  
22 with Shara Saveikis --

23 A. Yes.

24 Q. -- where she investigated the allegations made  
25 against you.

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1 A. Yes.

2 Q. Was that the only time that you had seen her or  
3 met with her, on one occasion?

4 A. Yes.

5 Q. Okay. Following that, did you then get a letter  
6 of correspondence from her indicating that the allegations  
7 were unfounded?

8 A. Yes.

9 Q. Did you ever hear from her again after that?

10 A. I contacted her one other time.

11 Q. Would that have been in that same year, 2004?

12 A. I'm not sure when exactly it was.

13 Q. If I tell you that, just a general time frame,

14 June/July of 2004 is what we're talking about here when this  
15 happened and the investigation happened, would it be in that  
16 same year, 2004?

17 A. I contacted her for a copy of the letter, because  
18 I misplaced the letter. So I'm not sure. That's why I  
19 contacted her.

20 Q. And that would be the only other contact you had  
21 with her.

22 A. Yes.

23 MR. ANGELONE: I don't have anything else right  
24 now.

25

1 page there are the later in time. The earlier in time  
2 e-mails are on the next page. It kind of goes backwards in  
3 chronological order.

4 A. Okay.

5 Q. And if you could just skim through those. These  
6 are -- I'll just let you take a look at them real quick  
7 here. Just those two pages you have in your left hand.

8 A. Okay. All right.

9 Q. In those e-mails there's a discussion about the  
10 order for detention of the baby. Do you see that?

11 A. Yes.

12 Q. And I believe that discussion occurred between  
13 June 4th and June 7th?

14 A. Um-hum. Yes.

15 Q. Is it fair to say that it was after June 7th, 2004  
16 that VW would have told you for the first time that she was  
17 aware that there was going to be an attempt to detain the  
18 baby?

19 A. One more time. I'm sorry, I was looking at this.

20 Q. Would it be fair to say that it was after June 7th  
21 of 2004 that VW told you for the first time that she was  
22 aware that there was going to be an attempt to detain the  
23 baby?

24 A. Yes.

25 MR. LANE: That's all I have for you.

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1  
2                   CROSS-EXAMINATION  
3 BY MR. LANE:

4  
5 Q. Ms. W, my name is Mark Lane. I introduced myself  
6 to you moments ago. I represent John Onorato in this case.  
7 And I just have a few follow-up questions. Mr. Onorato, by  
8 the way, is the former Solicitor for the County.

9 A. Thank you.

10 Q. In case you were wondering. It looked like maybe  
11 you didn't know. Do you know when VW gave birth to the  
12 child she was pregnant with?

13 A. No. During the summer; I know that. Midsummer,  
14 but I'm not sure. I can't remember.

15 Q. Would it have been after, say, June 7th of 2004?

16 A. I believe it was early part of July. I think it  
17 was end of June, end of July. I want to say 30th, maybe.  
18 I'm not certain. But I know it was middle of the summer,  
19 not early June.

20 Q. I'm going to show you an e-mail that was attached  
21 to Cauley Exhibit No -- a letter dated August 20th, 2004  
22 attached to Mike Cauley's deposition. And that is an  
23 e-mail, a series of e-mails. And they're dated June 4th to,  
24 it appears, June 7th of 2004 between Abby Conley and Deanna  
25 Cosby. Actually, the ones you're looking at on the front

1  
2                   CROSS-EXAMINATION  
3 BY MR. JOYAL:

4  
5 Q. Ma'am, have you had any -- has anyone ever told  
6 you about the conversation that Abby Conley had with Shara  
7 Saveikis during the course of the investigation of this  
8 allegation?

9 A. I don't know. I mean, I know that they mentioned  
10 that they talked to her. But I don't remember the details  
11 of the conversation.

12 Q. Well, has anyone ever told you that Abby Conley  
13 called you demonic and inhuman during that investigation?

14 A. No, I didn't know that.

15 Q. Were you aware of the fact that during the course  
16 of that investigation or shortly after it was reported that  
17 Abby Conley had contacted Deanna Cosby seeking information  
18 about your former husband and some of your former cases?

19 A. No.

20 Q. Do you know someone named Nzinga Cates?

21 A. Yes.

22 Q. Who is she?

23 A. She was an intern at the agency for a brief period  
24 of time.

25 Q. Do you know whether or not she and Abby Conley

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1 were friends?

2 A. I believe they were, yes.

3 Q. Has anyone told you that Ms. Cates spoke about  
4 this to someone in the agency or anyone in the agency about  
5 the allegations concerning?

6 A. I wasn't aware.

7 Q. Do you know whether or not there was an allegation  
8 made that a CASA worker had, indeed, witnessed what had  
9 happened on that date, allegedly?

10 A. No.

11 Q. The date of --

12 A. No.

13 MR. McNAIR: Objection. Foundation.

14 Q. There was no CASA worker there that day, was  
15 there?

16 A. No.

17 Q. Let me ask you a question which is hypothetical.  
18 Presuming that VW had said to you prior to June 4th, 5th,  
19 6th or 7th of 2004 that she suspected that they were going  
20 to take her baby when it was born, based upon your training  
21 as a social worker as well as an employee of OCY, if a  
22 fellow employee of OCY confirmed information concerning that  
23 to someone outside the agency, would that have been a  
24 violation of confidentiality policy?

25 A. Oh, yes.

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1 Q. Do you know whether it would have been a violation  
2 of Child Protective Services law?

3 A. No, I don't know that.

4 Q. Do you think Judge Kelly would have been happy  
5 with someone talking about one of her prognostic ex parte  
6 orders?

7 MR. ANGELONE: Objection.

8 Q. If you know.

9 A. I'm not certain. But I know that we get those  
10 because we have grave concerns or concerns for the child.  
11 That is why they're very strictly confidential.

12 Q. And the Judge grants those orders.

13 A. Yes.

14 Q. And the Judge doesn't call for hearings and ask  
15 the parents to come in to argue against such an order; is  
16 that correct?

17 A. No.

18 Q. It's a policy that has been developed in the  
19 Juvenile Court hearing; is that correct?

20 A. Yes, to protect the child.

21 Q. And it's been ongoing for a long period of time,  
22 hasn't it?

23 A. As long as I've known.

24 Q. 15, 16 years?

25 A. Yes.

1 Q. Has anyone ever told you that Abby Conley, in  
2 effect, admitted that she was the person that made the  
3 report about you?

4 MR. McNAIR: Objection. Relevance.

5 MR. JOYAL: Your co-counsel opened the door by  
6 asking her if she ever knew that Abby Conley was  
7 the reporter. You can answer the question.  
8 MR. McNAIR: I'm just objecting to the relevance  
9 Of this. It doesn't have anything to do with any  
10 of the issues in the case.11 MR. JOYAL: I'm trying to figure out how this  
12 whole deposition has had anything to do with the  
13 issues in this case, but be that as it may. You  
14 can answer the question.

15 MR. McNAIR: You'll figure it out eventually.

16 A. What was the question again?

17 Q. Has anyone ever told you that Abby Conley, in  
18 effect, has admitted that she was the one that reported you  
19 to the hotline?

20 A. Yes.

21 Q. Who was that?

22 A. When I was speaking with the woman from DPW, she  
23 had stated that she had spoke with Abby, and Abby had  
24 basically admitted that she had called. Basically admitted.

25 Q. Did you ever hear from anyone that Abby had

1 Q. Do you know whether it would have been a violation  
2 of Child Protective Services law?1 written a letter or told someone at OCY that she really  
2 didn't accuse you of child abuse but only of inappropriate  
3 behavior?4 A. I tried to avoid Abby after that situation and the  
5 things that she was doing, so I wasn't aware of that, no.6 Q. You wanted to move your cubicle because you didn't  
7 want to be near someone who you believed and had been told  
8 to you had reported you as a child abuser.

9 A. That's right.

10 Q. And if you had known that Abby Conley had  
11 contacted Deanna Cosby during the course of that  
12 investigation to get more information about you or your  
13 family, you most certainly wouldn't have wanted to be around  
14 her, would you?15 A. No. I probably would have -- I don't know what  
16 I -- I am very upset by that.17 Q. Did anyone in the agency have any concerns about  
18 Abby Conley's mental health?

19 A. Yes.

20 Q. And was this based upon her, what you call her  
21 behavior in writing a letter about living in a box and  
22 things such as that?

23 A. Yes.

24 Q. Did you know whether or not Abby Conley had been  
25 moved from a unit prior to the one she was in with you?

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1 A. I knew that she had moved, yes.

2 Q. Was there any talk around the agency as to why  
3 that was?

4 A. I learned after the fact that she had caused  
5 problems within that unit.

6 Q. Did Abby Conley have a reputation within OCY as a  
7 person who thought she knew more than the social workers?

8 A. Yes.

9 Q. And as one who thought she knew more than the  
10 administration of the agency?

11 A. Yes.

12 Q. Did fellow workers, if you know, have concerns  
13 about Abby Conley acting inappropriately with people in her  
14 care, in other words, getting too close to them?

15 A. Yes.

16 Q. That had been going on for some period of time?

17 A. Yes.

18 Q. Now, do you read the newspapers, watch television  
19 around here?

20 A. Yes.

21 Q. Do you know whether or not the case that Abby and  
22 you were involved with, the mother has been charged with any  
23 types of crimes in the past year?

24 A. Yes.

25 Q. What type of crime was the mother charged with?

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1 A. Drug crimes. Methamphetamine.

2 Q. Had there been any concern during the course of  
3 time during that case while you were working on it that the  
4 mother had a drug problem?

5 A. Yes.

6 MR. ANGELONE: I'm going to object to the  
7 relevance.

8 MR. JOYAL: You can object.

9 MR. ANGELONE: I did.

10 Q. Was there any concern that the mother was dealing  
11 drugs?

12 MR. ANGELONE: Same objection.

13 A. There were concerns. That is one of the reasons  
14 we got the detention order.

15 Q. And what about the placement of the other two  
16 children; was that based upon concerns with the mother or  
17 concerns with the father?

18 A. The mother.

19 Q. Similar concerns?

20 A. I believe so, yes.

21 MR. JOYAL: I don't have any other questions.

22 MR. DEVLIN: I'm going to have one, if you want to  
23 go.

24 MR. ANGELONE: No, go ahead.

1  
2  
3 BY MR. DEVLIN:

4  
5 Q. You were previously asked a pretty broad  
6 question -- not a broad question, but a question about  
7 whether there were any written reprimands or anything in  
8 your file, regardless of whether or not it had been  
9 expunged. And I just want to broaden that a little bit.

10 Are you aware of any allegations made at any time  
11 while you were working for OCY, written or otherwise, that  
12 would have appeared in your file at any time?

13 A. Yes.

14 Q. Okay. Can you just describe for me what you  
15 recall about that or those.

16 A. There was a couple in there about just my  
17 assertiveness with clients. One in particular -- I don't  
18 even remember. It was early on in my career at the agency.  
19 There was allegations made -- I'm trying to think how they  
20 went. The situation was a kid was -- during a visit, he was  
21 being unruly, disrespectful to mom. I took him out of the  
22 room, told him he needed to settle down. And I like touched  
23 him, like, look at me, come on, you need to settle down.  
24 And there was concerns. The mom had called in. It was not  
25 substantiated or anything. The kid later stated that it did

1 not happen. He was just --

2 Q. Okay.

3 A. -- excitable that day, he said.

4 MR. DEVLIN: That's all the questions I have.

5 MR. ANGELONE: I have a few follow-up, please.

6  
7 REDIRECT EXAMINATION  
8 BY MR. ANGELONE:  
9

10 Q. Do I understand that you just testified that  
11 someone had told you that Abby had called in the allegation  
12 that you had touched the child, DB, the initials?

13 A. They had stated that she basically had admitted  
14 it.

15 Q. I think you said Shara Saveikis told you that.

16 A. She pretty much admitted that she called in.

17 Q. And you talked about some discussion about the  
18 detention orders and the policy regarding detention orders  
19 being issued. Would I be correct in saying that  
20 detention -- requests for detention orders were commonplace  
21 in cases that you had handled at OCY?

22 MR. DEVLIN: Object to form.

23 MR. LANE: Objection to form.

24 MR. DEVLIN: If you understand the question, you  
25 can answer it.

22 (Pages 82 to 85)

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1 A. One more time. I think I understand it, but not  
 2 quite sure.

3 Q. When are detention orders issued, under what  
 4 situations?

5 A. Allegations of abuse, neglect. If we feel --  
 6 sometimes we get them on prognostic, which is the one that  
 7 VW was gotten on, prognostic, and the situation at the time.

8 Q. Okay. So once a mother is -- lack of a better  
 9 term, in the system, okay, and you find out that she is  
 10 pregnant, okay, and you feel that there's some fear that  
 11 there could be danger to the child, that would prompt you or  
 12 prompt the agency to get a detention order?

13 A. One of the reasons, yes.

14 Q. And in the cases that you've handled, okay, where  
 15 you know of a mother that's about to have a baby, okay,  
 16 who's already in that system, would I be correct in saying  
 17 that most of the time the agency will try to get a detention  
 18 order?

19 A. I think it's a situation. It's caseworker by  
 20 caseworker, family by family.

21 Q. In the cases that you've handled, and just dealing  
 22 with the cases you've handled in your experience, would it  
 23 be a correct statement that in a majority of those cases,  
 24 that the agency would get a detention order or attempt to  
 25 get a detention order?

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1 MR. DEVLIN: Just so I'm clear. When you say  
 2 "those cases," do you mean those cases in which  
 3 the mother is in the system and is pregnant?

4 MR. ANGELONE: Yes.

5 A. I don't know if I can say most generally. It  
 6 depends on the situation. I mean, if the mother is using  
 7 drugs or suspected drugs, if -- it depends on where she is  
 8 at in the system. In the 16 years I've been there, I cannot  
 9 tell you, you know, 40 percent. I don't know how many  
 10 overall that I've gotten prognostic or court orders to  
 11 detain children while the mother was pregnant and in the  
 12 system.

13 Q. If there is such an order that's been issued on a  
 14 case that you're in charge of, would you be aware of it?

15 A. Yes.

16 Q. Would case aides at any time be aware of that?

17 A. Most likely, yes.

18 Q. It's not uncommon that a case aide would know  
 19 about it, then, is it?

20 A. No.

21 Q. Okay. You also indicated in this particular case  
 22 VW -- the VW case, that you had evidence that the mother was  
 23 doing drugs, something to that effect. Would that be a  
 24 correct statement?

25 A. We had suspected that she had.

1 Q. Okay.

2 A. Been involved with drug trafficking or drug  
 3 involvement.

4 Q. Okay. Would this be during the period of time  
 5 that you had the case?

6 A. Yes.

7 Q. What did you base that on? What kind of evidence  
 8 did you have?

9 A. She had money.

10 Q. Okay.

11 A. And was not working. She had -- I mean, she was  
 12 living beyond her financial means. She couldn't verify her  
 13 employment. She stated that she was working at a massage  
 14 parlor, which is not one of the reputable ones in Erie, not  
 15 a legal --

16 Q. Okay.

17 A. You know what I'm saying. She was working in  
 18 inappropriate employment, doing sexual favors for  
 19 individuals.

20 Q. And you knew that? You had a witness that she was  
 21 doing sexual favors?

22 A. We highly suspected that. We didn't know. But  
 23 she had been seen in and out of this establishment which is  
 24 known to have that kind of activity occurring.

25 Q. Okay. She had a job, though, would that be

1 correct? I mean, simple, she did have a job, didn't she?

2 MR. LANE: Objection to the form.

3 MR. JOYAL: Come on.

4 Q. As far as you know, she had a job.

5 MR. LANE: What do you mean by job?

6 MR. JOYAL: What do you mean by job? Was it a  
 7 legal job or an illegal job? Which job do you  
 8 want; drug dealing or the prostitution?

9 Q. Was she working somewhere?

10 MR. JOYAL: Prostitution is employment?

11 MR. McNAIR: Okay, you magpies, knock it off.  
 12 We're trying to take a deposition here.

13 MR. LANE: I object to that. What do you mean by  
 14 magpies?

15 MR. McNAIR: I mean people who just make noise  
 16 without making any sense.

17 MR. LANE: Thank you.

18 MR. McNAIR: Thank you guys.

19 MR. LANE: I object to that statement and move to  
 20 strike.

21 MR. McNAIR: I object to that statement.

22 MR. LANE: And direct it right back at you.

23 MR. McNAIR: I'm rubber, you're glue.

24 Q. According to her, she was working somewhere,  
 25 right?

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1 A. From the beginning part of her pregnancy, not  
 2 throughout her whole pregnancy.  
 3 Q. Albeit --  
 4 A. Yeah.

5 Q. -- you didn't think it was a very appropriate  
 6 place -- or the agency didn't, right?

7 A. Not always, no.

8 Q. Okay. And you didn't have any hard proof that she  
 9 was doing anything inappropriate there. It is more or less  
 10 speculation on the agency's part.

11 MR. DEVLIN: Object to form. You can answer.

12 A. According to the risk matrix that we do, okay, her  
 13 unborn child was at very high risk of being abused or  
 14 neglected if remained in her care. Due to the situation,  
 15 due to where she was at with complying with the court order  
 16 treatment plan.

17 Q. Was she not complying with the court order?

18 A. Not fully. And the plan at that particular time  
 19 for this child was just to detain the child briefly to get  
 20 supports in place.

21 Q. Okay. And part of your job is to make sure that  
 22 these -- that the supports are put in place, or that she is  
 23 assisted in getting the supports in place, right?

24 A. Yes.

25 Q. And in this particular case, what effort did you

1 Q. Yeah, because she didn't admit that she was doing  
 2 this stuff that they wanted her to admit to.

3 MR. DEVLIN: That's not a question.

4 MR. ANGELONE: That's not a question.

5 MR. JOYAL: Right, it's not a question. It was a  
 6 misstatement of fact.

7 MR. ANGELONE: No, not really.

8 MR. McNAIR: Don't respond to the guy. It just  
 9 keeps him going.

10 MR. JOYAL: Listen to daddy, Anthony.

11 Q. Along those lines, you don't know any specific  
 12 statements or any concrete evidence that she was involved in  
 13 drug -- involved in selling drugs or anything to that  
 14 effect, do you?

15 MR. DEVLIN: Object to form. You can answer.

16 A. When?

17 Q. Now, currently. Or at any time in the past two  
 18 years.

19 MR. DEVLIN: Same objection. You can answer.

20 A. I didn't have the case.

21 Q. During the time you had the case, do you know --  
 22 you don't have any specific evidence? Was it more or less  
 23 speculation on the part of the agency?

24 MR. DEVLIN: Same objection.

25 MR. LANE: Objection to form.

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1 make, then, to help make sure that these supports were in  
 2 place?

3 A. For this baby. Okay. We wanted her to go to a  
 4 supportive living facility where she could take the baby  
 5 with her. She refused to do that. We wanted her to verify  
 6 some of the stuff she was doing. She refused to do so.

7 Q. Verify what stuff she was doing?

8 A. Drug and alcohol treatment, employment. Where she  
 9 was getting her money from. Her connections to drug  
 10 trafficking. Because the child -- the unborn child's --  
 11 baby's father was very involved in the drug system. There  
 12 was allegations that she had told me that these drug buyers  
 13 were out to get her, and they were going to do her harm, and  
 14 she was fearful for herself. And for her child.

15 Q. Okay. So you wanted her to verify that  
 16 information?

17 A. And we wanted to assure the safety of the child at  
 18 that time.

19 Q. So assuming she would have verified that  
 20 information to you, you would have not attempted to  
 21 terminate her rights?

22 MR. DEVLIN: Object to form. It calls for  
 23 speculation.

24 A. We didn't terminate rights.

25 MR. JOYAL: They didn't terminate her rights.

1 MR. DEVLIN: You can answer.

2 A. I wish you would ask more specific.

3 Q. Well --

4 A. Yes. We were concerned that there was drug  
 5 trafficking going on.

6 Q. Okay. And, specifically, was it based upon what  
 7 you've said before, the amount of income she had, that she  
 8 was living above her -- what seemed to be above her means,  
 9 and that she didn't have a job? Were those the reasons, or  
 10 was it more than --

11 A. And who she was associating with.

12 Q. And who she was associating with. Was there  
 13 anything else beside those?

14 A. And concerns that the agency had received from  
 15 outside resources about her behavior.

16 Q. Okay. Meaning?

17 A. We had gotten calls.

18 Q. Gotten calls from other individuals?

19 A. Yes.

20 Q. Okay. Who would that be from?

21 A. Anonymous people calling in with concerns about  
 22 her well-being, care that she -- how she was taking care of  
 23 herself and of the unborn child.

24 MR. ANGELONE: That's all I have.

24 (Pages 90 to 93)



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